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David A. Belasco, Esq.  
BEEHLER & PAVITT  
Suite 330  
100 Corporate Pointe  
Culver City, CA 90230

EXAMINER

PIAZZA CORCORAN, GLADYS JOSEFINA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/964,984

Applicant(s)

SICOLA, PHILIP

Examiner

Gladys J Piazza Corcoran

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 16-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-15 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 16-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species A2 and Group II there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 6, 7, 12, 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated or, in the alternative, under 35 U.S.C. 103(a) as obvious over Brown (US Patent No. 4,471,710).

Brown discloses an apparatus with a planar horizontal surface, a first die board disposed on the planar horizontal surface, and a plurality of lamination support members with bottom surfaces on the first curved upper surface of the first die board (see figure 6).

In reference to claims 1, 6, 23, and 25, as to the limitation that the bottom surface adjacent a second end of the lamination support members is disposed upon the horizontal surface, the apparatus in Brown is considered to be capable of this limitation when assembling the parts together, prior to the last die boards being assembled to the lamination support members. Alternatively, it would have been well within the purview of one of ordinary skill in the art at the time of the invention to assemble the apparatus as shown in Brown by assembling the lamination support members onto the first die board member at the end of the apparatus at which point the bottom surface of the second end of the lamination support members would be disposed on the horizontal surface. Only the expected results would be attained.

As to claims 2, 24, Brown shows a second die board with a curved upper surface and a lower surface on the horizontal surface and the bottom surfaces of the lamination support members disposed on the first and second curved upper surfaces of the first and second die boards. As to claim 4, the lamination support members are rectangular in cross section. As to claims 6 and 7, 25 and 26, the lamination support members have notches to fit over the die boards (see figure 6); alternatively, whether the notches are in the die boards or the lamination support members or both would have been well

within the purview of one of ordinary skill in the art. As to claim 12, the first die board has an upward facing curve surface from the first side to the second side.

6. Claims 3, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US Patent No. 4,471,710).

As to claim 3 where the lamination support members are cylindrical, it would have been well within the purview of one of ordinary skill in the art at the time of the invention to provide lamination support members of any desired cross section, in particular cylindrical. Only the expected results would be attained. As to claim 13, it would have been well within the purview of one of ordinary skill in the art at the time of the invention to provide lamination support members of any desired cross section, including an upper curved surface in order to provide the desired mold surface, it is noted that the members form a curved surface in the apparatus. Only the expected results would be attained.

7. Claims 5, 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US Patent No. 4,471,710) as applied to claims 1, 6 above, and further in view of Lang (US Patent No. 4,971,743), Giorgi (US Patent No. 3,856,592), and/or Barnett (US Patent No. 1,545,576).

It is considered conventionally well known in the art to provide a resilient insulating material between a mold and the product to be molded in order to protect the product and provide a uniform pressure against the product during molding. For example, the references Lang, Giorgi, and/or Barnett all disclose providing a resilient material for insulating products during molding. It would have been obvious to one of

ordinary skill in the art at the time of the invention to provide the mold apparatus as shown in Brown with an insulating material as is well known in the art and further exemplified by Lang, Giorgi, or Barnett. Only the expected results would be attained.

8. Claims 9, 10, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US Patent No. 4,471,710) as applied to claims 6 above, and further in view of Vogelsang (US Patent No. 3,444,568).

It is unclear what the exact shape of the notches in Brown are, however it would have been well within the art at the time of the invention to provide the notches with a variety of well known shapes as desired for the particular application. For example, Vogelsang discloses notches with downwardly facing curves and an orifice connected to the sidewalls (see figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the apparatus as shown in Brown with a variety of shaped notches as are considered well known in the art and exemplified by Brown in order to provide the particular desired shape.

***Allowable Subject Matter***

9. Absent any additional prior art, Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: No prior Art was found to show or suggest an apparatus as claimed with a series of closely spaced cuts on the top surface of the lamination support members in

order to permit a three-dimensional contoured configuration as claimed in the claimed environment.

***Response to Arguments***

11. Applicant's arguments filed May 27, 2004 have been fully considered but they are not persuasive.

Applicant argues on pages 30-31 that the reference Brown is directed to a method of manufacturing a building panel with a compound or complex curve and a curve in both major and minor axes while Applicant's invention does not have a compound or complex curve and are designed to produce curves along only a single axis rather than a major or minor axis. The claims do not exclude the apparatus as shown in Brown therefore these arguments are irrelevant.

Applicant argues on page 31 that Applicants lamination support members are not permanently attached to the die boards nor are the lamination support members curved as taught in Brown. It is unclear where Applicant finds the disclosure that the support members in Brown are permanently attached to the die boards. Regardless, the claims do not exclude lamination support members permanently attached to the die boards. As to the assertion that the lamination support members are curved in Brown, there are no claim limitations that limit the lamination support members to be straight and not curved.

Applicant argues on page 31 that the die boards in Brown are notched where in the present invention there is no need for notching. Again, even if the die boards in

Brown are considered to be notched, the claim limitations do not exclude notched die boards.

Applicant argues on page 32 that the present invention is a mold having reusable components that can be used to form laminations curved along a single axis, while Brown's invention is a permanent, mold having a compound curved shape and formed to produce only that shape. Again, these arguments have no foundation in the claims. None of the claim limitations require reusable components curved along a single axis.

Applicant argues, in reference to the limitation that the bottom surface of the second end of the lamination support members is disposed upon the horizontal surface, that the Examiner is attempting to disassemble a portion of the disclosure of Brown to construct the instant invention and that one would have to remove a single die board from the pre-existing mold, fill in the notches in the die board, straighten the curved support slats, and provide sufficient number of them to cover the upper curved surface of the die board while resting their second ends in a horizontal surface. Again, Applicant is reminded that (even if Applicant's suggestion were followed) the claims do exclude notched die boards, nor do the claims require that the support flats be straight. It is noted that the rejection is based on the first assembly of the mold shown in Brown, not a take down of the previously assembled mold in Brown. The parts shown in Brown are fully capable of being assembled as claimed. Furthermore, at the time of assembly, once the first die is placed on the planar surface, when the support members are laid on the first die board, the second end of the support members would be touching the planar surface (even if they are curved).



Applicant argues that the support slats in Brown are curved while the invention support slats are straight and unsecured and therefore the slats in Brown are different in form and function than that of the present invention. There are no claim limitations that require the support flats to be straight, even if the slats in Brown are curved, the cross-section is still rectangular.

Applicant argues that the figure 6 in Brown shows notches in the die boards and not in the supporting flat. Examiner disagrees. The support slats in the figure appear to have notches in order to accommodate the placement on the die boards. Regardless whether the notches are in the die board or not, it is well known in the art that these structures have notches in either one of the two structures or both. Whether the notches are in the support slats is considered well within the purview of one of ordinary skill in the art. There is no criticality as to whether the notches are in the support slats or the die boards.

Applicant argues on page 33 that the die boards in Brown are curved from a first side edge to a second side edge. The die boards in Brown are considered to be curved from the first side edge to the second side edge and from a first side to a second side. As Applicant continuously argues, the Brown mold has a complex shape curving from a major and a minor axis, therefore the die boards must be curved in both directions.

Applicant argues on page 34 that Examiner has not provided a reference showing cylindrical lamination support members or with a curved upper surface. As to the curved upper surface, (as argued by Applicant), Brown discloses a complex curve in both the major and the minor axis, therefore even if the slats in Brown are not curved,

such would have been well within the purview of one of ordinary skill in the art in order to form the complex curved mold shape. Additionally, as discussed above, it would have been well within the purview of one of ordinary skill in the art at the time of the invention to provide for a variety of shapes as the cross-section of the support members. Applicant has not asserted any criticality to the slats being cylindrical. Rectangular slats and circular slats are considered well known functional equivalents in the art, only the expected results would be attained.

It is noted that Applicant admits on page 36 that the use of notches is clearly well known.

Applicant argues on page 36 that neither Brown nor4 Vogelsang disclose notches of the design shown in the instant invention in combination with reusable lamination support members. Again, Applicants claims are not commensurate in scope with Applicant's arguments. The claims do not require the use and functionality as argued as these are not present limitations in the claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gladys J Piazza Corcoran whose telephone number is (571) 272-1214. The examiner can normally be reached on M-F 8am-5:30pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone

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number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1700.



Gladys JP Corcoran  
Primary Examiner  
Art Unit 1733

GJPC